

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION**

Brian Scannell,)	
)	Case No. 7:22-CV-00183
Plaintiff,)	
)	
v.)	
)	
Medicare Group USA, LLC,)	
)	
Defendant.)	
)	
)	
)	

INDEX OF STATE COURT DOCUMENTS

A-1.	Plaintiff's Original Petition – <i>filed May 20, 2022</i>
A-2.	Return of Service re Citation and Petition – <i>filed June 3, 2022</i>
A-3.	Plaintiff's Motion for Default Judgment – <i>filed June 17, 2022</i>
A-4.	Return of Service re Plaintiff's Motion for Default Judgment – <i>filed July 1, 2022</i>
A-5.	Order Setting Civil Bench Trial – <i>filed July 18, 2022</i>

EXHIBIT A-1

PETITION: SMALL CLAIMS CASE

CASE NO. (court use only)

S1220017Brian P. Scannell

PLAINTIFF

VS.

Medicare Group USA, LLC.

DEFENDANT(S)

§

IN THE JUSTICE COURT

§

PRECINCT 1

§

MIDLAND COUNTY, TEXAS

Defendant(s) contact info: Medicare Group USA, LLC 9378 MASON MONTGOMERY RD STE 238 MASON, OH 45040 (ADDRESS)

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

The nature of this complaint is towards (i) Professional Negligence, (ii) Violation of the Federal Trade Commission Do Not Call List, (iii) Wrongful solicitation, and (iv) Violation of the Telephone Consumer Protection Act. On Monday April 25, 2022 defendant mentioned herewith violated federal laws, rules and regulations and made an unsolicited telephone calls to plaintiff's cellular telephone. The Telephone Consumer Protection Act (TCPA) 47 U.S. Code § 227.47 and Federal Communication Commission regulations promulgated under the statute, prohibit, in pertinent part, the below noted activities: 1. Calling a telephone number that is on the National Do Not Call Registry in violation of 47 CFR 64.1200(c)(2). 2. Using an ATDS device to place a telephone call to a cellular telephone in violation of 47 U.S. Code § 227. 3. Violation of Blocked Name and or Number (47 CFR 64.1200 (b)(1). 4. Violation of a Telemarketer to Provide Upon Demand Its Written Do Not Call Policy For Maintaining Its Do Not Call List (47 CFR 64.1200(d)(1).

The Defendant committed four (4) individual and unique violations of 47 USC 227 and/or 47 CFR 64.1200. The Plaintiff respectfully requests the court to award the statutory damage amount of \$500.00 for each such violation, and, pursuant to 47 USC 227(c)(5), award treble damages of \$1,500.00 for each willful or knowing violation of the statute and regulations.

In summation, the Plaintiff asks the court to award \$2,000.00 in damages, an additional \$4,000.00 as trebled damages, \$95.00 in service of process costs for a total judgement amount of \$6,095.00

RELIEF: Plaintiff seeks damages in the amount of \$6,095.00 and/or return of personal property as described as

follows (be specific): _____, which has a value of \$_____.

Additionally, plaintiff seeks the following: _____

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

ANDREW RATHMAN 4487 HICKORY BARK CT CINCINNATI OH 45247



If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address:

Brian P. Scannell

Petitioner's Printed Name

Brian P. Scannell
Signature of Plaintiff or Attorney

1701 Castleford Road

Address of Plaintiff's Attorney, if any, or Plaintiff if none

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH: _____

Midland Texas 79705

City State Zip

*LAST 3 NUMBERS OF DRIVER LICENSE: _____

(478) 955-9709

Phone & Fax No. of Plaintiff's Attorney, if any, or Plaintiff if none

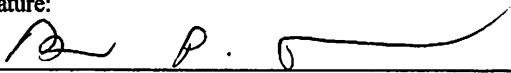
*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

*DEFENDANTS PHONE NUMBER: _____

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)**CAUSE NUMBER (FOR CLERK USE ONLY):** _____**STYLED****Brian P. Scannell vs Medicare Group USA, LLC.**

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:
Name:	Telephone:	Plaintiff(s):
<u>Brian Scannell</u>	<u>(478) 955-9709</u>	<u>Brian P. Scannell</u>
Address:	Fax:	
<u>1701 Castleford Road</u>		
City/State/Zip:	State Bar No:	Defendant(s):
<u>Midland, TX 79705-1784</u>		<u>Medicare Group USA, LLC</u>
Email:		
Signature:		
		[Attach additional page as necessary to list all parties]
3. Indicate case type, or identify the most important issue in the case (select only 1):		
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<input checked="" type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	

In addition to the above information, the Service members' Civil Relief Act has become law. The legislation, passed by Congress and signed by the President, took effect immediately when it was signed on December 19, 2003.

When filing any Civil Suits this form MUST be filled out with proof of military status and accompany the complaint upon filing. Military status can be determined at <https://www.dmdc.osd.mil/appj/scra/scraHome.do> The fees remain the same.

CASE NO. _____

**AFFIDAVIT
SEC. 201 (b)**

Plaintiff being duly sworn on oath deposes and says that defendant(s):

- ☒ is not in the military
- ☐ not on active duty in the military and/or
- ☐ not in a foreign country on military service
- ☐ is on active military duty and/or is subject to the Service members Civil Relief Act of 2003 .
- ☐ military status unknown at this time



PLAINTIFF

Subscribed and sworn to before me on this the 20 day of May, 2022.



NOTARY PUBLIC IN AND FOR THE STATE OF
TEXAS / CLERK OF THE JUSTICE COURT

Penalty for making or using false affidavit – a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in title 18 United States Code, or imprisoned for not more than one year, or both.

**Brian Scannell
1701 Castleford Road
Midland, TX 79705
(478) 955-9709
bps123ux@yahoo.com**

April 27, 2022

Via FedEx 2nd Day Air, Direct Signature Required

Re: 7 DAY NOTICE OF SUIT - VIOLATION OF TELEPHONE CONSUMER PROTECTION ACT (TCPA)

**ANDREW RATHMAN
4487 HICKORY BARK CT
CINCINNATI OH 45247**

Registered Agent For:

**Medicare Group USA, LLC
9378 MASON MONTGOMERY RD STE 238
MASON, OH 45040**

Dear Mr. Rathman:

By way of this writing, I am bringing to your attention a very serious matter in relation to your organizations blatant disregard for longstanding federal telecommunication laws and regulations.

On that date and time listed below and from that telephone number which is detailed I received an automated telephone call on my personal cellular telephone advising me of an opportunity for me to take advantage of a very special offer to purchase supplemental Medicare insurance coverage.

**Monday April 25, 2022 1:03 PM Central Time
Reported Telephone Number 478-967-7355
Reported Called ID Location: Marshallville, Georgia
Reported Call Length: 12 minutes**

Upon receipt of the telephone call rather than ignore it or answer and immediately hang up, I opted instead to answer and then stay on the line to speak to a representative. After initially answering the call, I was subjected to an extended series of clicks, beeps and various automated tones and repeatedly voicing the phrase "hello" before the call was ultimately connected to a live individual, all telltale signs of the use of an illegal automatic telephone dialing system" ("ATDS").

After ultimately being connected to a call screener identifying himself as "Jim" providing the alias Robert Gandel and other bogus identifying identification and then answering a series of qualifying questions, I was transferred to a licensed agent of your organization, Mr. Dwight Bermingham, and proceeded to listen to a sales pitch and line of questioning regarding my specific Medicare insurance needs and requirements.

At a particular point in the conversation, under the guise of ensuring that the offerings being proffered were of a legitimate nature, I asked Mr. Bermingham to spell his full name and provide the name of his agency by whom he is employed so as to allow for me to validate her legal status to sell the insurance products that she was peddling and additionally to trace the origin of the illegal telemarketing activities which were being perpetuated by her and by association him employer. Mr. Bermingham even went so far as to send a text message from what appear to be his personal cellular telephone with his name and his direct office number.

Rather ignorantly and buffoonishly but nevertheless fitting of an individual I can only assume is a poorly educated, commissioned peddler of overpriced garbage insurance from a stink filled booth located in the depths of what I am sure is one of the finest insurance boiler room facilities in the greater Apopka, Florida region and flying directly in the face of the fact that that he and his employer had broken the law he did in fact gleefully provide this information, in sufficient detail for me to determine the pertinent licensing information for both him personally and his employer, information detailed below.

State of Texas Agent Search Details:

Full Name:
BERMINGHAM, DWIGHT

Business Address:
3536 RACHEL STREET
APOPKA, FL 32703

Email: DWIGHTBERMINGHAM@GMAIL.COM
Personal Cellular Phone: 214-727-0683
Reported Business Phone: 888-278-5324
NPN #: 16608716

State of Texas Agency Search Details:

License #: 2500489
Full Name: MEDICARE GROUP USA LLC
MEDICARE GROUP USA LLC
9489 CHARDON CIRCLE
SUITE 205
WEST CHESTER, OH 45069

NPN #: 19431317

Following Mr. Bermingham's detailed sales pitch of that upstanding garbage portfolio of products offered by your organization I made two very specific requests, requests that any individual of some level of reasonable intelligence would like be able to easily address. As demonstrated, however, Mr. Bermingham seems to be an individual of a lesser level of intellect a rather fitting illustration of her present choice of occupation and I would imagine here more general station in life.

1. I kindly requested that my telephone number (478) 955-9709 be added to the organizations do not call list and that further illegal telephone solicitations not be made in care of my personal cellular telephone at any point forward of that request being made. He took offence to me making this request and seemed rather put off that I had bothered him with a request to follow very easily understood federal law.

2. The second request which was made that he furnish me with a copy of the Enhance Health, LLC internal Do Not Call Policy, a legal document that is required to be maintained by and provided **upon**

demand by those organizations participating in telephone solicitation activities governed by the TCPA. I kindly asked if she was capable of taking down an email address to forward said document, she implied that she was and I slowly and deliberately read my personal email address to which said required document could be forwarded, rpgandel@gmail.com. Given my suspicion that Mr. Bermingham might perhaps have limited mental and/or hearing capacities I went so far as to phonetically spell said email address, *Romeo Papa Golf Alpha November Delta Echo Lima at gmail.com*.

This request was met with Mr. Bermingham offering me a falsehood ridden legal primer on the intricacies of the TCPA in which he tried to explain that I was absolutely incorrect in the proffering of both of my requests, that he and his employer are not required to maintain a do not call list or any formal do not call policies document and further are absolutely not required to furnish it on demand.

Given that Mr. Bermingham may seem to be in possession of some challenges of an auditory nature, perhaps he has dog crap in his ears which limited his hearing and comprehension or alternatively he heard clearly and did not want to plainly acknowledge that his halfcocked sales efforts were in violation of very easily understood federal law. Regardless I advised him once again, very clearly, regarding the requirement to furnish the do not call policy upon demand, explained that his employer would in receipt of legal documents regarding this matter and for him to enjoy the rest of his day.

Upon demand was at 10:10 AM on Monday April 25, 2022 not Tuesday the 26th at 4:32 PM, not after Dwight had to drop a heavy on Thursday at 1:15 PM, not tomorrow, not next Thursday after he had to get a new fade or more than likely not after someone within the organization had an opportunity to actually concoct a document in line with the prescribed and very easily understood regulation, a document that probably did not previously exist anywhere within the confines of the junk organization you proudly represent prior to my request being made.

I have been in ownership and control of and actively utilizing the cellular telephone number at which I was contacted, (478) 955-9709 since March 2005, over 17 years and at no time have I conducted any business with, established any sort customer relationship with or otherwise given specific authorization to Medicare Group USA, LLC, Ms. Dwight Bermingham, or any other affiliated organizations, agencies, subcontractors or other associated entities to make contact on my cellular telephone with solicitations for insurance products or solicitations of any other variety. Furthermore, my cellular telephone number has been registered with the Federal Communication Commission (FCC) Do Not Call Registry since before the time I took possession and actively began utilizing it for my personal use. Lastly, I am 40 years old, far from the age where I might need Medicare supplemental insurance products and most certainly when I reach that station in my life when I may require said products you can trust I will not be procuring such products from insurance agencies who operate in an illegal fashion.

Having successfully previously executed legal actions against your unsavory counterparts in the illegal telemarketing industry I am prepared to successfully counter the likely argument you may present that I myself directly placed a call to your organization rather than the reverse wherein your organization illegally contacted me.

My belief is that when my call was warm transferred to Mr. Bermingham by the lead generator with whom I initially spoke my telephone number is what was displayed at her console making it appear as though I had

directly and deliberately called a telephone number associated with the boiler room facility from where Mr. Bermingham regularly perpetuates his illegal insurance sales activities. I am prepared to prove before the small claims court in my local jurisdiction, should this matter not be able to be resolved amicably, unequivocally that at no time did I directly dial any of those telephone numbers known to be associated with Mr. Bermingham, Medicate Group USA, LLC or any other affiliated organizations on the date and time that is in question.

The Telephone Consumer Protection Act (TCPA), 47 U.S. Code § 227 47 and the Federal Communications Commission (FCC) regulations promulgated under the statute state, and prohibit, in pertinent part, the below noted activities:

- 1. Calling a telephone number that is on the National Do Not Call Registry in violation of 47 CFR 64.1200(c)(2).**
- 2. Using an ATDS device to place a telephone call to a cellular telephone in violation of 47 U.S. Code § 227**
- 3. Violation of Blocked Name and or Number (47 CFR 64.1200 (b)(1))**
- 4. Violation of a Telemarketer to Provide Upon Demand Its Written Do Not Call Policy For Maintaining Its Do Not Call List (47 CFR 64.1200(d)(1))**

Furthermore, the regulations presently provide the below remedies for violations committed under the act.

A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

(B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

Based on an interpretation of the above referenced federal regulations it is evident that your organization was in willful and knowing violation on all of those counts which I have delineated above. Your organization is very clearly either executing in house or alternatively procuring the services of an outside provider which is automatically dialing and screening potential sales prospects and then connecting those warm leads who express an interest in the products that are initially proffered to agents in the direct employ of your organization, like Ms. Arvidson.

As per my summation of those specific violations, the number of individual telephone calls received, one (1), multiplied by those individual, prohibited actions, four (4) I am legally entitled to collect from your organization damages, at a minimum, of \$1,500.00 per violation or a total of \$6,000.00.

I would respectfully ask that you forward to me, at the above detailed mailing address, a cashier's check for the amount of \$6,000.00 for those damages associated with your organizations knowing and willful violation of federal telecommunications regulations. In exchange for a settlement in the amount detailed I will forgo any rights to seek an injunction or other judicial relief against you and your organization.

Should you not elect to remedy my claim within 7 business days of the receipt of this letter I will consider taking the actions necessary to bring this matter before the appropriate venue within my present jurisdiction for their consideration and further legal action. In light of the potentially significant investment required for your organization to adequately answer for and successfully defend its illegal business practices before the justice court in my local jurisdiction, I would note a jurisdiction that is rather remote and not easily accessible from your headquarters facility, I would welcome productive discussions regarding a settlement should you feel as though would be to your benefit.

Your prompt response, consideration and response prior to that listed deadline is welcomed.

Sincerely,

Brian P. Scannell

Enclosures:

Firm Consumer Inquiry for the State of Texas – MEDICARE GROUP USA LLC

Individual Consumer Inquiry for the State of Texas – BIRMINGHAM, DWIGHT

Firm Consumer Inquiry for the State of Texas



MEDICARE GROUP USA LLC
National Producer Number: 19431317

Business Address	9489 CHARDON CIR APT 205 WEST CHESTER, OH 45069
Phone	513-226-4252

Licenses

License Type	License Number	Original Issue Date	Status	Effective Date	Expiration Date
General Lines Agency	2500489	03-10-2020	Active	03-10-2020	03-10-2022
Qualifications (Authorized Lines of Insurance)					
		Qualification Type	Original Issue Date	Status	Effective Date
		Life, Acc., Health & Health	03-10-2020	Active	03-10-2020

Affiliations/Appointments

NAIC	Company Name			
61832	<u>Chesapeake Life Insurance Company, The</u>			
	Appointments			
	Appointment Type	Status	Active Date	Termination Date
	Life, Accident, Health and HMO	Active	11-25-2020	
67369	<u>Cigna Health and Life Insurance Company</u>			
	Appointments			
	Appointment Type	Status	Active Date	Termination Date
	Life, Accident, Health and HMO	Inactive	04-07-2020	11-12-2021
12902	<u>HealthSpring Life & Health Insurance Company, Inc.</u>			
	Appointments			
	Appointment Type	Status	Active Date	Termination Date
	Life, Accident, Health and HMO	Inactive	04-07-2020	11-12-2021

[Revise Inquiry](#)

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Individual Consumer Inquiry for the State of Texas**BERMINGHAM, DWIGHT**

National Producer Number: 16608716

Business Address	3536 RACHEL STREET APOPKA, FL 32703
Phone	214-727-0683

Licenses

License Type	License Number	Original Issue Date	Status	Effective Date	Expiration Date
General Lines Agent	1756962	04-11-2012	Active	06-04-2020	11-30-2022
Qualifications (Authorized Lines of Insurance)					
Qualification Type	Original Issue Date		Status	Effective Date	
Life, Acc., Health & Health	04-11-2012		Active	06-04-2020	

Affiliations/Appointments

NAIC	Company Name			
95040	<u>Aetna Better Health of Texas Inc.</u>			
	Appointments			
	Appointment Type	Status	Active Date	Termination Date
	Life, Accident, Health and HMO	Active	10-20-2021	
78700	<u>AETNA HEALTH AND LIFE INSURANCE COMPANY</u>			
	Appointments			
	Appointment Type	Status	Active Date	Termination Date
	Life, Accident, Health and HMO	Active	11-16-2021	
14078	<u>Amerigroup Insurance Company.</u>			
	Appointments			
	Appointment Type	Status	Active Date	Termination Date
	Life, Accident, Health and HMO	Active	10-19-2021	
95314	<u>Amerigroup Texas, Inc.</u>			
	Appointments			
	Appointment Type	Status	Active Date	Termination Date
	Life, Accident, Health and HMO	Active	10-19-2021	
12558	<u>Care Improvement Plus of Texas Insurance Company.</u>			
	Appointments			
	Appointment Type	Status	Active Date	Termination Date
	Life, Accident, Health and HMO	Inactive	10-21-2021	02-24-2022
12567	<u>Care Improvement Plus South Central Insurance Company</u>			

Appointments

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	10-21-2021	

95158 [CHA HMO, Inc.](#)**Appointments**

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	10-25-2021	

71870 [FIDELITY SECURITY LIFE INSURANCE COMPANY](#)**Appointments**

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	12-14-2021	

62324 [Freedom Life Insurance Company of America](#)**Appointments**

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Inactive	06-12-2020	05-27-2021

79480 [Harken Health Insurance Company](#)**Appointments**

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Inactive	10-21-2021	02-28-2022

11494 [Physicians Health Choice of Texas, LLC](#)**Appointments**

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	10-21-2021	

95647 [Superior HealthPlan, Inc.](#)**Appointments**

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	04-28-2022	

95174 [UnitedHealthcare Benefits of Texas, Inc.](#)**Appointments**

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	10-21-2021	

11141 [UnitedHealthcare Community Plan of Texas, L.L.C.](#)**Appointments**

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	10-21-2021	

79413 [UnitedHealthcare Insurance Company](#)**Appointments**

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	10-21-2021	

84549 [UnitedHealthcare Insurance Company of America](#)

GENERAL PURPOSE: Investigate the distribution 1000

Appointments

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	10-21-2021	

95765

[UnitedHealthcare of Texas, Inc.](#)**Appointments**

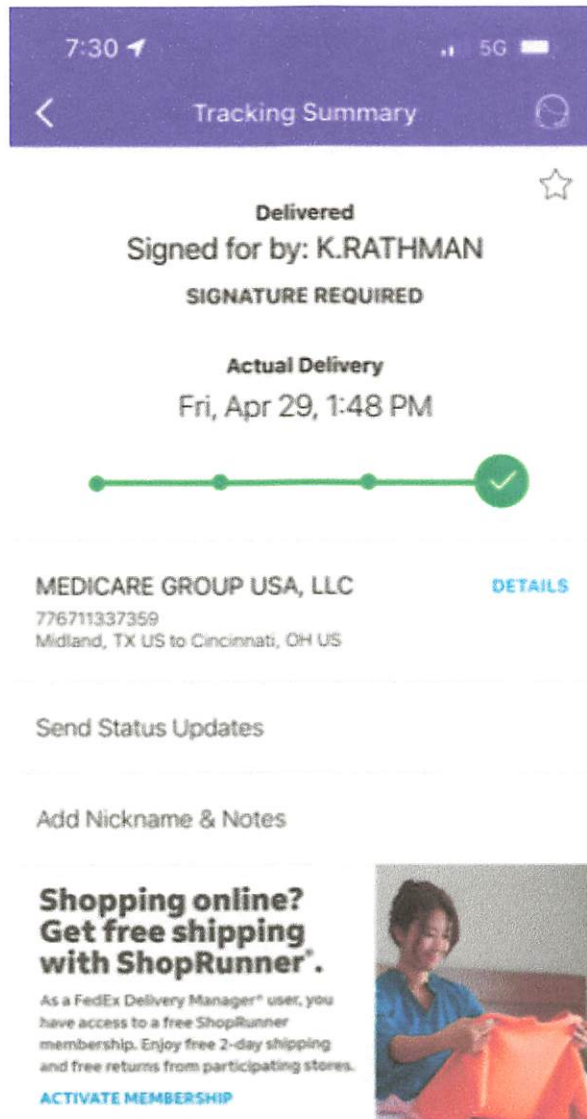
Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	12-20-2021	

12964

[WellCare of Texas, Inc.](#)**Appointments**

Appointment Type	Status	Active Date	Termination Date
Life, Accident, Health and HMO	Active	04-29-2022	

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TRACKING NUMBER

776711337359

FROM

Brian Scannell
1701 Castleford Road
MIDLAND, TX 79705 US
4789559709

TO

MEDICARE GROUP USA, LLC
ANDREW RATHMAN
4487 HICKORY BARK CT
CINCINNATI, OH 45247 US
8882785324

PACKAGE DETAILS

Service: FedEx 2Day
Pieces: 1
Special Handling: Deliver Weekday, Residential Delivery,
Direct Signature Required

TRAVEL HISTORY

Apr 29, 2022
1:48 PM

Delivered

EXHIBIT A-2

Court Stamp Here

RETURN OF SERVICE

Notice: This document contains sensitive data

FILED
JUN 03 2022
JUSTICE COURT

Court	Justice Court Precinct 1 of Midland County, Texas Midland County, Texas	Cause #	S1220017
Plaintiff	BRIAN P SCANNELL	Came to Hand Date/Time	5/25/2022 3:30 PM
Defendant(s)	MEDICARE GROUP USA LLC.	Service Date/Time	5/27/2022 9:00 AM
Manner of Service	Personal	Service Fee:	\$95.00
Documents	CITATION; PETITION: SMALL CLAIMS CASE		

I am certified under order of the Judicial Branch Certification Commission to serve process, including citations in Texas. I am not a party to or interested in the outcome of this lawsuit. My information: identification number, birth date, address, and certification expiration date appear below. I received and delivered the Specified Documents to Defendant as stated herein.

On 5/27/2022 at 9:00 AM: I served CITATION and PETITION: SMALL CLAIMS CASE upon MEDICARE GROUP USA, LLC. c/o C/O ANDREW RATHMAN by delivering 1 true and correct copy(ies) thereof, with MEDICARE GROUP USA, LLC. c/o C/O ANDREW RATHMAN, I delivered the documents to C/O ANDREW RATHMAN with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a black-haired white male contact 35-45 years of age, 5'6"-5'8" tall and weighing 160-180 lbs at 4487 Hickory Bark Court, Cincinnati, OH 45247.

null

My address is: 1825 knollview ct, miamisburg, OH 45342, USA.

null

Per U.S. Code § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Declaration executed in Hamilton county, TX.


 Joe Mader

05/27/2022

Date Executed

Ref REF-10133753



0087558625

txefile@abclegal.com



Brian Scannell
 <bps123ux@yahoo.com>

Tracking # 0087678036



CITATION

DEF'S COPY

DOCKET NO. S1220017

BRIAN P SCANNELL
(Plaintiff)

VS

MEDICARE GROUP USA, LLC
4487 HICKORY BARK CT
CINCINNATI, OH 45247
(Defendant)§
§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT ONE

MIDLAND COUNTY, TEXAS

Issued this the 23rd day of May, 2022

THE STATE OF TEXAS
COUNTY OF MIDLAND

NOTICE TO ANDREW RATHMAN, MEDICARE GROUP USA, LLC: YOU HAVE BEEN SUED. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th is Saturday, Sunday or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

This citation is issued pursuant to a petition filed by the above-named plaintiff on 23rd day of May, 2022, the plaintiff's demand being for the sum of 6095.00 Dollars, and court cost of 54.00. The name and address of the plaintiff/attorney for the plaintiff is: BRIAN P SCANNELL - 1701 CASTLEFORD RD - MIDLAND, TX 79705 (478) 955-9709. Your answer may be filed with this court, located at JUSTICE OF THE PEACE #1, 400 S. MAIN ST., MIDLAND, TX 79701.

The Officer executing this writ shall promptly serve the same according to requirements of law and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND on this the 23rd day of May, 2022.



Terry Luck
TERRY LUCK
JUSTICE OF THE PEACE, PRECINCT ONE
MIDLAND COUNTY, TEXAS

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ M., and executed in _____ County, Texas by delivering to the within named _____ at the following address: _____ in person, a true and correct copy of this Citation,

on the _____ day of _____, 20____, having first endorsed thereon the date of delivery.

Not served to the following defendant for reasons set opposite names

Constable, Precinct 1, Midland County, Texas

FEES: Serving Citation-----\$100.00

EXHIBIT A-3

IN THE JUSTICE COURT PRECINCT ONE

MIDLAND COUNTY, TEXAS

BRIAN SCANNELL

Plaintiff,

v.

MEDICARE GROUP USA, LLC

Defendant

CASE NUMBER: S1220017

FILED

JUN 17 2022

JUSTICE COURT
PRECINCT 1

Plaintiffs Motion for Default Judgement

TO THE HONARABLE JUDGE OF SAID COURT:

Now comes Brian P. Scannell, Plaintiff in the above referenced case, and moves this Court to enter a judgement by default against the Defendant, and for its answer states:

1. The defendant was duly served on Friday May 27, 2022 at 9:00 AM and with a copy of the citation as required by law, a copy of the Affidavit of Service being attached hereto and incorporated herein.
2. Complaint was duly served upon the Defendant Friday May 27, 2022 at 9:00 AM, and no response has been served upon the Plaintiff within the frame of time allowed by law nor has defendant sought additional time within which to respond, and Default has entered against the Defendant, Medicare Group USA, LLC.
3. Reference *Texas Rules of Civil Procedure Rule 502.5 - Answer and Rule 501.4 - Service of Papers Other Than Citation*. The stated deadline for the Defendant

to file an answer was Monday June 13, 2022 and should the required answer have been dispatched in care of the Plaintiff via United States Postal Service the deadline would be stepped out by three additional days to Thursday June 16, 2022. As of Friday June 17, 2022 the Defendant has failed to dispatch, in care of the Plaintiff, the required answer via any of those acceptable methods of service of process identified in Rule 501.4.

4. Service of process was properly executed at the Defendants last known address, a copy of a *Certificate of Last Known Address*, being attached hereto and incorporated herein.

WHEREFORE, premises considered, Plaintiff, Brian P. Scannell, respectfully requests the Court to enter a Default Judgment against Defendant, Medicare Group USA, LLC, for the following:

1. Damages in the amount of \$6,000.00
2. Service of process costs of: \$95.00
3. Court costs in the sum of: \$54.00

Total: \$6,149.00

Respectfully Submitted,

Brian P. Scannell

1701 Castleford Road

Midland, Texas 79705

Phone: (478) 955-9709

Court Stamp Here

RETURN OF SERVICE

Notice: This document contains sensitive data

Court Justice Court Precinct 1 of Midland County, Texas Midland County, Texas	
Plaintiff BRIAN P SCANNELL	Cause # S1220017
Defendant(s) MEDICARE GROUP USA LLC.	Came to Hand Date/Time 5/25/2022 3:30 PM
Manner of Service Personal	Service Date/Time 5/27/2022 9:00 AM
Documents CITATION; PETITION: SMALL CLAIMS CASE	Service Fee: \$95.00

I am certified under order of the Judicial Branch Certification Commission to serve process, including citations in Texas. I am not a party to or interested in the outcome of this lawsuit. My information: identification number, birth date, address, and certification expiration date appear below. I received and delivered the Specified Documents to Defendant as stated herein.

On **5/27/2022 at 9:00 AM**: I served **CITATION and PETITION: SMALL CLAIMS CASE** upon **MEDICARE GROUP USA, LLC. c/o C/O ANDREW RATHMAN** by delivering 1 true and correct copy(ies) thereof, with **MEDICARE GROUP USA, LLC. c/o C/O ANDREW RATHMAN**, I delivered the documents to **C/O ANDREW RATHMAN** with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a black-haired white male contact 35-45 years of age, 5'6"-5'8" tall and weighing 160-180 lbs at 4487 Hickory Bark Court, Cincinnati, OH 45247.

null

My address is: 1825 knollview ct, miamisburg, OH 45342, USA.

null

Per U.S. Code § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Declaration executed in Hamilton county, TX.



Joe Mader

05/27/2022

Date Executed

Ref REF-10133753



0087558625

txefile@abclegal.com



abclegal

Brian Scannell
<bps123ux@yahoo.com>

Tracking # 0087678036



IN THE JUSTICE COURT PRECINCT ONE

MIDLAND COUNTY, TEXAS

BRIAN SCANNELL

Plaintiff,

v.

MEDICARE GROUP USA, LLC

Defendant

CASE NUMBER: S1220017

PLAINTIFF'S CERTIFICATE OF LAST KNOWN MAILING ADDRESS

I CERTIFY that the last known mailing address of Defendant, Medicare Group USA, LLC, against whom judgment is taken in the above entitled and numbered cause, is:

MEDICARE GROUP USA, LLC

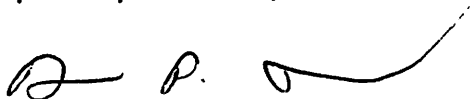
ANDREW RATHMAN

4487 HICKORY BARK CT

CINCINNATI OH 45247

Please reference **Exhibit A**, a report from the Ohio Secretary of State, that state wherein the Defendant organization is presently incorporated, detailing the Defendants current registered agent or process of service address, that address being the same address at which service of process of the original compliant was duly executed.

Respectfully Submitted,



Brian P. Scannell

1701 Castleford Road

Midland, Texas 79705

Phone: (478) 955-9709



Sun Jun 12 2022

Entity#: 4427091
Filing Type: DOMESTIC LIMITED LIABILITY COMPANY
Original Filing Date: 01/20/2020
Location: ---
Business Name: MEDICARE GROUP USA, LLC

Status: Active
Exp. Date: -

Agent/Registrant Information

ANDREW RATHMAN
 4487 HICKORY BARK CT
 CINCINNATI OH 45247
 01/20/2020
 Active

Filings

Filing Type	Date of Filing	Document ID
OHIO LLC - ARTICLES OF ORGANIZATION	01/20/2020	202002002556
FICTITIOUS NAME/ORIGINAL FILING	01/29/2020	202002901100

UNITED STATES OF AMERICA
 STATE OF OHIO
 OFFICE OF SECRETARY OF STATE

I, Frank LaRose, Secretary of State of the State of Ohio, do hereby certify that this is a list of all records approved on this business entity and in the custody of the Secretary of State.



Witness my hand and the seal of the
 Secretary of State at Columbus,
 Ohio this 12th of June, A.D. 2022

Ohio Secretary of State

Frank LaRose

EXHIBIT A-4

RETURN OF SERVICE		Court Stamp Here FILED JUL 01 2022 JUSTICE COURT PRECINCT 1
Notice: This document contains sensitive data		
Court	Justice Court Precinct 1 of Midland County, Texas Midland County, Texas	
Plaintiff	BRIAN SCANNELL	Cause # S1220017
Defendant(s)	MEDICARE GROUP USA, LLC	Came to Hand Date/Time 6/28/2022 1:40 PM
Manner of Service	Personal	Service Date/Time 6/28/2022 2:45 PM
Documents	Service Fee: \$95.00	
PLAINTIFF'S MOTION FOR DEFAULT JUDGEMENT; PLAINTIFF'S CERTIFICATE OF LAST KNOWN MAILING ADDRESS		

I am certified under order of the Judicial Branch Certification Commission to serve process, including citations in Texas. I am not a party to or interested in the outcome of this lawsuit. My information: identification number, birth date, address, and certification expiration date appear below. I received and delivered the Specified Documents to Defendant as stated herein.

On **6/28/2022 at 2:45 PM**: I served **PLAINTIFF'S MOTION FOR DEFAULT JUDGEMENT and PLAINTIFF'S CERTIFICATE OF LAST KNOWN MAILING ADDRESS** upon **ANDREW RATHMAN MEDICARE GROUP USA, LLC c/o CT CORPORATION SYSTEM, Registered Agent for Medicare Group USA** by delivering 1 true and correct copy(ies) thereof, with **ANDREW RATHMAN MEDICARE GROUP USA, LLC c/o CT CORPORATION SYSTEM, Registered Agent for Medicare Group USA**, I delivered the documents to Monica Myrick who indicated they were the person authorized to accept with identity confirmed by subject stating their name. The individual accepted service in accordance with social distancing requirements (placed the documents in a clearly visible place at least six feet away from the subject and advised the subject to retrieve them after stepping away). The individual appeared to be a black-haired black female contact 35-45 years of age, 5'4"-5'6" tall and weighing 120-140 lbs at 1200 S PINE ISLAND RD, PLANTATION, FL 33324.

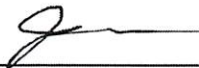
null

My address is: **14071 Oak Ridge Dr., Davie, FL 33325, USA.**

My process server identification # is: **613**. My Certification expires: **9/30/2022**.

Per U.S. Code § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Declaration executed in Broward County, Fl county, TX.



Joseph S Marker

06/28/2022

Date Executed

Ref REF-10320570



0088851686

txefile@abclegal.com



Brian Scannell
<bps123ux@yahoo.com>

Tracking # 0089011201



EXHIBIT A-5

TERRY LUCK
Justice of the Peace, Precinct 1
400 S. Main St
Midland, Texas 79701

Office: (432) 688-4721
Fax: (432) 688-4960

CASE NO. S1220017

BRIAN P SCANNELL
PLAINTIFF

§

IN THE JUSTICE COURT

VS.

§

PRECINCT ONE

MEDICARE GROUP USA, LLC
DEFENDANT

§

MIDLAND COUNTY, TEXAS

ORDER SETTING CIVIL BENCH TRIAL

The above entitled and numbered cause is hereby set for a bench trial on

8th day of September, 2022

beginning at **10:30 AM** in the

Justice of the Peace Courtroom, 400 South Main Street, of this Court of
Midland County, Texas

SIGNED THIS 18th DAY OF July, 2022.



TERRY M. LUCK
JUSTICE OF THE PEACE, PRECINCT ONE
MIDLAND COUNTY, TEXAS

BRIAN P SCANNELL

1701 CASTLEFORD RD
MIDLAND, TX 79705

MEDICARE GROUP USA, LLC
4487 HICKORY BARK CT
CINCINNATI, OH 45247